

Background document – Scientific Visa

(Nov 2013)

On 26 March 2013, the European Commission adopted a proposal for a Directive on the ‘conditions of entry and residence of third-country nationals for the purposes of **research**, studies, pupil exchange, remunerated and unremunerated training, voluntary service and au pairing’ [COM(2013) 151 final]. This Directive amends and recasts two earlier Directives on third-country students (2004/114/EC) and researchers (2005/71/EC). The idea is to merge these two existing Directives and introduce substantive changes for improving the admissions procedure for third-country nationals.

Concerning foreign researchers, the Directive identifies what the hosting agreement (i.e. the basis for admissions) should contain; the grounds for refusal, withdrawal or non-renewal of authorization; rights (to work, to remain in the EU post project completion, family reunification, intra-EU mobility for researchers and family members).

The European Parliament Civil Liberties Committee (LIBE) has adopted its position on the file on 5 November 2013. Discussions in the Council are ongoing at working party level and informal negotiations between Parliament and Council are expected to start soon.

The most important provisions to defend:

- (1) **Job-searching and entrepreneurship (Article 24):** the Directive introduces an article that allows researchers to remain in the EU Member State after completing the project as set out in the hosting agreement. The idea is that this provision would contribute to improving the attractiveness of the EU as a destination of highly-skilled/talent migration because it enables the researcher to search for new employment/project or to set up a new business. The European Commission proposes a period of 12 months, during which the Member State can request evidence demonstrating that the researcher has a ‘genuine chance’ of being hired or launching a new business. The European parliament proposes to extend this period to 18 months.
- (2) **Researchers’ family members (Article 25):** the Directive promotes family unity by liberalizing entry conditions and mobility of researchers’ family members. It stipulates the following: family reunification should be dependent on researchers having secured the hosting agreement and permit should be of the same duration; integration conditions are only applicable when family reunification has been granted; timely issuance of authorization; and no time limit should be applied to family members’ access to labour market.
- (3) **Right to mobility between Member States (Article 26):** researchers may exercise mobility between member states under the conditions set out in the hosting agreement for six months (previously – three months) without having to apply for authorisation from the other member states.
- (4) **Time to decision (Article 29):** The European Commission proposes a 60-day deadline for member states to accept or refuse applications. The European Parliament proposes to reduce this deadline to 30 days and added 30-day deadline for deciding on an appeal against a refusal.